IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.5277 OF 2006

M/s. Ekatmik Adivasi Vikas Prakalp,
Dahanu .... Petitioner
Vs.
Chandu Suresh Morgha .... Respondent

Shri D.A. Patil for the Petitioner.

CORAM: R.M.S. KHANDEPARKAR, J.
DATED: NOVEMBER 22, 2006

P.C:

Heard. The petitioner challenges the order passed by the Labour Court in Reference (IDA) No.46 of 2003 whereby the Reference has been allowed and the respondent has been directed to be reinstated with full back wages and continuity in service with effect from 9-4-1999. It is the contention on behalf of the petitioner that the respondent was appointed for a fixed term and on temporary basis. However, admittedly, apart from mere claim in that regard in the written statement, no evidence was produced by the petitioners and even the muster roll was suppressed. Considering the same, no fault can be found with the impugned order which has been passed on the basis of the findings arrived at on detail analysis of the evidence on record. Hence there being no jurisdictional error committed by the Labour Court while passing the impugned order, there is no case for interference in writ jurisdiction under Article 227 of the Constitution of India. The petition, therefore, fails and is hereby rejected.

(R.M.S. Khandeparkar, J.)